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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-fourth session
16 January-3 February 2017
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Malawi under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2016.

The Committee may take up any aspect of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide statistics, disaggregated by sex, age, nationality, ethnic and social background, rural or urban residence, on:

(a) The number of cases of the sale of children, child prostitution, child pornography and child sex tourism and information on the actions taken in those cases;

(b) The number of children who have received assistance for their physical and psychological rehabilitation and reintegration or have received compensation.

2. Please provide information on the steps taken to develop a system of data collection and management for cases of the sale of children, child trafficking, child prostitution and child pornography, and on the investigation of such cases, including the prosecution and conviction of the persons responsible.

3. Please provide information on the steps taken to strengthen the referral and follow-up system within the existing child protection system.

4. Please provide information on the human and financial resources available to the Ministry of Gender, Children and Social Welfare for its effective execution of the mandate related to the Optional Protocol. Please inform the Committee what steps are being taken to address the implementation gap referred to in paragraph 23 of the State party's report.

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5. Please provide information on any steps taken to disseminate widely the Optional Protocol and strengthen awareness-raising programmes, activities and training, especially among the judiciary, the police, prosecutors and investigators. Please explain what measures have been taken to strengthen the gender equality perspective among the communities, traditional leaders, families, authorities and personnel dealing with child victims.

6. Please inform the Committee on the steps taken to set up mechanisms to detect and identify children who are particularly at risk from the offences described in the Optional Protocol, such as migrant children, children in street situations, children with albinism, girls, child domestic workers and children from economically weak families.

7. Please provide the Committee with information on what specific measures have been taken to combat the sale or sexual exploitation of children, trafficking of children and traditional customs known as *kupimbira* and *kutomera* and indicate what measures have been taken to ensure that the penalties applied are proportionate to the gravity of the crimes and that those found responsible are efficiently prosecuted.

8. Please provide information on the measures taken to prevent child sex tourism, particularly in the resorts along lake Malawi.

9. With reference to paragraphs 35 and 36 of the State party's report, please clarify whether the current legislation prohibits all acts and activities related to the sale of children, as defined in articles 2 and 3 of the Optional Protocol, in particular: (a) the transfer of organs of a child for ritual purposes or for profit; (b) the engagement of a child in forced labour; and (c) the sale or transfer of a child for purposes of illegal adoption.

10. Please clarify whether the legislation establishes the State party's extraterritorial jurisdiction over all the offences referred to in the Optional Protocol, especially when the alleged offender is a national of the State party or a person whose habitual residence is in its territory, or when the victim is a national of the State party. Please also provide information on whether the Optional Protocol may be used as a legal basis for the extradition of a person suspected of the offences covered by the Optional Protocol.

11. Please provide information on the measures taken by the State party to ensure that victims of the offences covered by the Optional Protocol are not stigmatized, have access to efficient, adequate and long-term programmes and support systems to facilitate their reintegration and their physical and mental rehabilitation.